



NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

Body Worn Video (BWV)

422.1 PURPOSE AND SCOPE

The Coronado Police Department has equipped officers with portable Body Worn Camera (BWC) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

The use of the portable video recording system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the BWV system to transmit or store video or audio data in an active mode.

BWV Administrator - EVIDENCE.COM system administrator(s) with full access to user rights.

AXON - An On-officer audio-video system currently authorized as the sole means of overt on-officer audio-video recording.

BWV - Body Worn Video

BWC - Body Worn Camera

Docking Station - A server with built-in docking stations physically installed at the police department. The docking station simultaneously recharges the device while uploading all digitally encrypted data. The docking station then transfers the data to EVIDENCE.COM.

Event Mode - Activation of the AXON BWC unit, and active recording.

EVIDENCE.COM - Online, Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

DVR - Digital Video Recorder

Media or Data - Includes photographs, audio recordings and video footage. The media is stored digitally.

PVRS - Personal Video Recording System

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

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NOV 14 2019

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422.2 POLICY

It is the policy of the Coronado Police Department to use portable body worn video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

All uniformed officers assigned to field duties shall use the Department provided Body Worn Video System in accordance with this policy. Detectives will also wear the Department provided Body Worn Video System while conducting enforcement actions.

422.3 OFFICER RESPONSIBILITIES

- (a) Officers shall power on BWC equipment prior to going in service.
- (b) Ensure the battery on the BWC is fully charged and operating properly prior to going in service.
- (c) Officers shall position the camera on their uniform to facilitate optimum recording field of view.
- (d) Officers shall dock their issued camera for automated upload of BWC data files at least daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video. This does not prohibit officers from uploading video more frequently if needed or desired.
- (e) Officers operating Department Motorcycles will be issued a second BWC for those opting to take the Department issued motorcycle home. Motor officers will dock the BWC as soon as practical at the beginning of their shift.
- (f) Officers shall immediately report unresolved equipment malfunctions and/or problems to their supervisor and BWV Administrator.
- (g) Monitoring system effectiveness and making recommendations for operational improvement and policy revision.
- (h) Officers should be aware of surroundings when operating the BWC, such as in a hospital emergency room where privacy of patients should be considered when operating the BWC.
- (i) Personnel will use only the BWC system issued and approved by the Department and only for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Chief of Police.
- (j) Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC.
- (k) If an officer fails to activate their BWC in a situation they reasonably should have, a memo must be submitted via their chain of command explaining the circumstances of why this was not done.

422.3.1 SERGEANT RESPONSIBILITIES

- (a) Sergeants will ensure officers utilize the BWC according to policy guidelines and are to review recordings as directed by the Chief of Police and/or his designee.

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Body Worn Video (BWV)

NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
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- (b) When safe and practical instances exist following a critical incident, an on-scene supervisor may retrieve the BWV from an involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded into Evidence.com.
- (c) Sergeants who have personnel assigned to them who wear a BWC are required to conduct random monthly inspections. The inspections will assure that the BWC is being activated at the appropriate time and is used to record enforcement related contacts and other incidents set forth in this procedure. Supervisors learning of training needs, policy violations, or commendatory performance during any authorized review will take and document appropriate action. Inspection results will be entered and forwarded to the respective Lieutenant of the division for review and approval per the direction outlined in the Inspections Guide.
- (d) Sergeants will randomly select at least one date each month that their employees were working to inspect the proper use of the officer's BWC. The supervisor will confirm that the number of enforcement contacts match up to the number of videos submitted. If the supervisor identifies a discrepancy, they will follow-up with the officer to determine the reason the videos submitted did not match up with the officer's number of contacts. If the supervisor is satisfied with the reason then no further action is required. If the supervisor identifies a violation of this procedure occurred, the division Lieutenant will be notified.
- (e) Sergeants will make sure that all BWC videos were uploaded and categorized with the appropriate metadata. All videos which are uncategorized will be immediately corrected by the officer. The supervisor will then re-inspect the BWC video to confirm the corrections were made.
- (f) Sergeants should to use the "Post a note" function located below the videos when conducting monthly inspections or reviewing a video as outlined in this policy. Under the "Post a note" heading, sergeants should enter "monthly inspection" or an appropriate description of why the video was viewed (investigation, court, training, etc.). The Sergeant will also add the Tag "Monthly Inspection" in the "Tag" field to allow the Lieutenant to audit the Sergeants.
- (g) If during the inspection, the Sergeant determines that the officers BWC is not functioning properly, the BWC will be immediately returned to the System Administrator for repair and/or replacement.
- (h) If a citizen complaint is received, supervisors may, with the approval of a lieutenant have the ability to immediately resolve a citizen complaint by reviewing video captured by the BWC. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the video and make appropriate notes in the notes section of Evidence.com. This will allow Professional Standards personnel to capture incidents that are resolved by this camera system.
- (i) It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident without the consent of the Chief of Police.

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NOV 14 2019

Body Worn Video (BWV)

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

422.3.2 LIEUTENANT RESPONSIBILITIES

- (a) Lieutenants will complete a BWC Divisional Monthly Inspection as outlined in the in the Inspections Guide. Lieutenants will ensure the Sergeant's inspections of officers and PSO's videos are completed correctly. If a supervisor identifies a discrepancy, the lieutenant will follow up with the supervisor to ensure the discrepancy is corrected.
- (b) Inspection results will be entered and forwarded to the Captain of the division for review and approval.

422.4 ACTIVATION OF THE BWV

The BWV system is designed to constantly buffer 30 seconds of video. This pre-event buffer is added as soon as the officer switches to event mode. The system actively records until it is turned off manually.

422.4.1 REQUIRED ACTIVATION OF BWV

This policy is not intended to describe every possible situation in which the BWV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the BWV.

All officers who are issued a BWC shall keep their BWC on in Buffering/Stand-by mode while on-duty, except during instances listed in this policy as prohibited. Keeping the BWC in Buffering/Stand-by mode allows officers to capture pre-event recordings when the event mode is activated.

Officers shall use the Event Mode to record all enforcement related contacts. Event mode shall be activated prior to the actual contact with the citizen or as soon as safely possible thereafter, and continue recording until the contact is concluded or the contact transitions from an enforcement contact into intelligence gather.

Officers shall begin recording in the event mode while enroute to a call and prior to going on scene, on all calls which have the potential to involve an enforcement action.

Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers shall make every attempt to activate their BWV cameras prior to making contact in any of the following incidents:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Code 3 responses
 - 3. Vehicle pursuits

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Body Worn Video (BWV)

NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

4. Suspicious vehicles
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force
 8. Pedestrian checks
 9. DWI/DUI investigations including field sobriety tests
 10. Consensual encounters
 11. Crimes in progress
 12. Responding to an in-progress call
 13. Bar checks
- (b) All self-initiated enforcement activity in which an officer should normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect such as, but not limited to:
1. Domestic violence calls
 2. Disturbance of peace calls
 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.
- (f) Officers should activate the BWV before or during any other incident at their discretion and are encouraged to use the camera during all contacts (this includes recording of statements).
- (g) It shall be deemed a violation of this policy for an officer to fail to activate the device or intentionally terminate a recording while committing a violation of law or department policy.
- (h) Officers shall not use the BWV recording functions to record any personal conversation of or between another department member or employee without the recorded members/employee's knowledge or permission.
- (i) Officers are not required to obtain consent from a private person when:
- (a) In a public place.
 - (b) In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).

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Body Worn Video (BWV)

NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003

REL TO LYNN WALSH

- (j) Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- (k) Officers shall place the AXON in the Event Mode as soon as practical at the onset of a given situation. Once in the Event Mode, officers shall continue to record until the completion of the event, or they have left the scene (this includes recording of statements). Additional arriving units to a scene shall place their AXON in the event mode as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).

422.4.2 CESSATION OF RECORDING

Once activated, the BWV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations. The only other exception is if recording the incident would violate patient privacy as outlined in 422.4.4.

422.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the BWV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

The BWV shall not be used to record non work related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.

422.4.4 PATIENT PRIVACY

Officers should not record patients during medical or psychological evaluations by a clinician or similar professional or during treatment, except when necessary by law or to preserve evidence. This includes during PERT clinician interviews. If a PERT clinician is called to the scene of an incident for a patient assessment and an officer's BWV is activated, they must verbally document that they are either muting or ceasing their BWV due to a PERT evaluation. Once the PERT clinician has concluded their patient assessment, the officer shall un-mute or reactivate their BWV and verbally document that the PERT evaluation has concluded.. Officers shall be sensitive to patients' rights to privacy when in a hospital or medical facility setting and attempt to avoid recording persons other than the victim, witness or suspect.

Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present or transporting an arrestee to a psychiatric facility.

Body Worn Video (BWV)

NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

Regardless of the setting, officers confronting a violent or assaultive suspect, or anticipating using force, shall activate their BWCs to record the encounter.

422.4.5 DETECTIVE RESPONSIBILITIES

- (a) Detectives will be responsible for manually deleting cases shared with the District Attorney's Office once they are no longer needed by them.
- (b) Detectives will be responsible for reviewing Evidence.com videos before sharing videos with the District Attorney's Office as the District Attorney's Office will not redact videos before sharing them with defense attorneys.

422.5 REVIEW OF BWV RECORDINGS

All recorded media, images and audio from the BWV are property of the Coronado Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

Although the data captured by the BWV is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data (Protected Information Policy). All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

Once uploaded to Evidence.com, the system automatically time/date stamps and records each access by employee name.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) Prior to courtroom testimony or for courtroom presentation.
- (c) Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
- (d) Critical Incidents: Officers are encouraged to consult legal representation and may review their video prior to providing a statement pursuant to an administrative inquiry.
- (e) By a supervisor investigating a specific act of officer conduct
- (f) By a supervisor to assess officer performance
- (g) To assess proper functioning of BWV systems
- (h) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (i) By department personnel who request to review recordings
- (j) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

Body Worn Video (BWV)

NOV 14 2019

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO the Chief of Police
LYNN WALSH

- (k) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (l) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (m) To assess possible training value
- (n) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection
- (o) By a Sergeant as part of a random audit as described in 422.3.1 provided the video was previously viewed to make sure no CORI violations will occur if the video is shown.
- (p) By a supervisor to resolve a citizen complaint.

422.5.1 ACCESS TO REVIEW BWC RECORDINGS

For official use, Evidence.com shall only be accessed from Department authorized computers, Department workstations, mobile devices or MDC's.

- (a) Exception: When necessary, Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

422.5.2 REVIEW AND REDACTION OF CONFIDENTIAL RECORDINGS

Recordings that contain audio or video of legitimate confidential nature will be redacted or obscured from downloaded copies of the original data file in EVIDENCE.COM. The original data file will remain complete and cannot be manipulated by system administrators or users.

Examples of legitimate confidential information include, but are not limited to; confidential informants or undercover officers revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; CLETS data unrelated to the traffic stop or crime; medical information; and victim/witness personal identifiers, addresses, phones, etc.

Redacted data files will be saved and "Redacted Copy" will be included in the document title when redacting in CaseGuard.

422.6 DOCUMENTING BWV USE

Personnel utilizing the BWV shall be responsible documenting the use of the BWV on one of the following:

- (a) On the police report/computer entry. (Note: Officers should continue to prepare reports in the same manner as prior to the implementation of this camera system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as, "In summary the victim related")

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Body Worn Video (BWV)

NOV 14 2019

- (b) As a notation on a citation.
- (c) On a Field Interview card.

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

If any incident is recorded with either video or audio, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

422.7 BWV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a BWV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Coronado Police Department should indicate this in an appropriate report.

Once video of evidentiary value is captured, officers shall identify BWV files by:

- (a) When assigned, noting the Department case number in the Case ID Field.
- (b) Entering a title. The title must contain the following:
 - 1. Officer's Agency (COPD)
 - 2. Officer's Last Name and ARJIS number (i.e. Smith #1157)
 - 3. A brief description of the video (i.e. Victim Interview)
 - 4. If more than one video segment label part 1, part 2, etc. (Victim Interview pt.1)

With the above info the finished title should read (COPD Smith #1157 Victim Interview pt.1)

- (a) Selecting the appropriate category(s). Refer to 422.11 for the category list.
- (b) Assisting officers shall advise the Primary Officer when they have video. The Primary Officer shall ensure all video is logged into evidence.
- (c) If additional video is later logged into evidence, the submitting officer shall complete a supplemental property/evidence report form.

The information may be entered via hand held device, MDC, or PD computer work station via the EVIDENCE.COM website.

422.8 SUBPOENAS

When an officer or the Department receives a subpoena for documents or for appearance at court or at a deposition and a video file is available, the officer or the Support Services Manager shall ensure the video file is properly labeled as per Policy 422.8

422.8.1 TRAFFIC COURT APPEARANCE

When an officer receives a subpoena for personal appearance at traffic court and a video file is available, the officer shall do the following:

- a. The subpoenaed officer will review the video evidence as soon as practical after receiving the subpoena and comply with Policy 422.9.

NOV 14 2019

Body Worn Video (BWV)

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH
issued portable storage/

- b. The officer will download the original data file to a Department media device for use in court.
- c. If confidential information is contained in the recording per Policy 422.5.2, the officer will advise the Court Commissioner if the confidential information needs to be played in court.
- d. Unless the portable storage/media device is retained by the court, after court proceedings, the data file shall be deleted from the officer's Department issued portable storage/media device.

422.8.2 CRIMINAL PROCEEDINGS

- (a) The District Attorney's Office shall have access to EVIDENCE.COM files to retrieve case specific recordings or other media stored in EVIDENCE.COM via sharing by detectives. These files will only be shared after the video has been reviewed by the submitting detective. The District Attorney's Office will be responsible for providing discovery to the defense and production of EVIDENCE.COM evidence for court proceedings for which they have prosecutorial responsibility.
- (b) Upon release to Defense, challenges to redacted information will be handled via a two-step process:

Step One - Defense communicates their intent to challenge and legal justification(s) to the prosecuting attorney in writing.

Step Two – If the prosecuting attorney agrees that the challenge is justified, the section may be released following consultation with the law enforcement agency head or designee. If the prosecuting attorney disagrees with the justification for the challenge and/or if the law enforcement agency head requests further review, the prosecuting attorney will advise Defense that a motion for an In Camera Hearing before a judge of appropriate jurisdiction will be required if Defense wishes to challenge the redaction further.

422.8.3 SUBPOENA DUCES TECUM (NO APPEARANCE)

- (a) If the Department receives a subpoena for a video file without the personal appearance of an officer, the Support Services Manager or designee shall be responsible for responding to the subpoena.
- (b) The Support Services Manager or designee will review the video and redact any information as per Policy 422.5.2. The Support Services Manager or designee will alert the City Attorney to the presence of possible confidential information in the video file. If information is redacted, the Support Services Manager or designee will save a copy of the redacted version if using CaseGuard, using the DR number in the Case ID Field, categorize the file per the proper category and including in the notes section "redacted copy." If using Evidence.com, this information will already be captured.
- (c) The Support Services Manager or designee will complete a property form adding the redacted copy of the file into evidence, if the video was not already categorized as "Evidence."

NOV 14 2019

Body Worn Video (BWV)

THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REL TO LYNN WALSH

- (d) The Support Service Manager or designee shall provide a copy of the video with redactions, if any, to the subpoenaing party per the City's subpoena policy and per the subpoena instructions.

422.8.4 OTHER PERSONAL APPEARANCES

When an officer receives a subpoena for personal appearance for a deposition or other civil proceeding and a video file is available, the officer shall do the following:

- a. The subpoenaed officer will review the video evidence as soon as practical after receiving the subpoena.
- b. If confidential information is contained in the recording per Policy 422.5.2, the officer will notify the Support Services Manager or designee.
- c. The Support Services Manager or designee will alert the City Attorney to the presence of possible confidential information in the video file.
- d. If information is redacted in CaseGuard, the Support Services Manager or designee will save the redacted version, under the same case/citation number and include in the notes "redacted copy" and the nature of the redacted information.
- e. The Support Services Manager or designee will complete a property form adding the redacted copy of the file into evidence.
- f. The officer will download the video file (with redactions if so instructed) to a Department issued portable storage/media device for use in court or deposition.
- f. Unless retained by the court, after court proceedings or the deposition, the officer will ensure the data file is deleted from their Department issued portable storage/media device.

422.9 TRAFFIC COURT DISCOVERY REQUESTS

The following shall be the procedure for processing discovery requests made for the BWV by a defendant in a traffic citation trial:

- (a) Disclosures by the Records Division must be completed at least 30 days prior to the trial date, or immediately if information becomes available less than 30 days prior to the trial. (PC 1054.7)
- (b) The Support Services Manager or designee will confirm the matter has not been resolved and a trial date has been set.
- (c) The Support Services Manager or designee will respond to the request within 15 days. (PC1054.5(b))
- (d) The Support Services Manager or designee will ensure the recording is reviewed and redacted as per Policy 422.5.2.
- (e) The Support Services Manager or designee shall schedule a time and date for viewing of the video and provide the defendant with a copy of the video if requested.
- (f) The Support Services Manager or designee will ensure that the viewing of the video by the defendant is documented, including a notation in the EVIDENCE.COM notes for the version viewed by and/or provided to the defendant.

Body Worn Video (BWV)

~~NOV 14 2019~~

- (g) The Support Services Manager or designee shall notify the involved officer of the discovery request. THE CORONADO POLICE DEPT
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- (h) If a traffic court subpoena is later received for the same traffic citation, the officer shall follow the procedure in Policy 422.8.1

422.10 USE OF HAND HELD DEVICES TO COLLECT EVIDENCE

Officers using a Department phone or Department mobile device shall use Axon's Capture Mobile App to capture photos, audio and videos. Additionally, the app provides the means to add case numbers, categories, and/or titles to those files in the field.

422.11 CATEGORY AND RETENTION

Employees utilizing the BWC shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as uncategorized.

Categories and Retention Periods are as follows:

DEATH INVESTIGATION	UNTIL MANUALLY DELETED
SEX OFFENSE / KIDNAPPING	20 YEARS
USE OF FORCE / PURSUIT	5 YEARS
ARREST - FELONY	7 YEARS
ARREST - MISDEMEANOR	3 YEARS
INVESTIGATION - FELONY	7 YEARS
INVESTIGATION - MISDEMEANOR	3 YEARS
MISSING PERSON	3 YEARS
TRAFFIC / PEDESTRIAN STOP	2 YEARS
CITIZEN CONTACT	1 YEAR
TRAINING	7 DAYS
VEHICLE INSPECTION	90 DAYS
EVIDENCE (EVID. TECH. USE)	UNTIL MANUALLY DELETED
CITIZEN COMPLAINTS	5 YEARS

All uncategorized videos will be held for 2 years.

422.12 REPAIR PROCEDURE

- (a) Personnel shall immediately report any recognized problems with the BWC to their immediate supervisor.
- (b) Upon notification, the supervisor shall contact the BWC Administrator or designee stating the problem or malfunction.

Body Worn Video (BWV)

NOV 14 2019

- THE CORONADO POLICE DEPT
M. A. CASTELLANO #1003
REC'D - LYNNE WALSH
- (c) The BWC Administrator or designee will report unresolved deficiencies to Axon Enterprises via web based support at www.help.axon.com by completing the required information on-line and describing the issue or defect in detail in the "Message" window provided.
 - (d) Provide the serial number of the unit needing service or repair and identify the unit as a Axon BWC or battery pack as appropriate. A Axon representative will contact the COPD BWC Administrator for resolution.

422.13 BWC ADMINISTRATOR RESPONSIBILITIES

The BWC Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

- (a) Operation and user administration of the system.
- (b) System evaluation.
- (c) Training.
- (d) Policy and procedure review and evaluation.
- (e) Coordination with IT regarding system related issues.
- (f) Ensure BWC files of evidentiary value are secure and retained per this policy.
- (g) Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and City of Coronado/Coronado Police Department retention policy.

422.14 TRAINING

All members who are authorized to use the BWC system shall successfully complete an approved course of instruction prior to its use.